

**United States District Court  
Western District of Michigan (Southern Division (1))  
CIVIL DOCKET FOR CASE #: 1:18-cv-01156-JTN-ESC**

Varnum LLP v. United States Department of Labor  
Assigned to: Judge Janet T. Neff  
Referred to: Magistrate Judge Ellen S. Carmody  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/09/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**plaintiff**

**Varnum LLP**

represented by **Aaron M. Phelps**  
Varnum Riddering Schmidt & Howlett LLP  
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Email: [amphelps@varnumlaw.com](mailto:amphelps@varnumlaw.com)  
*ATTORNEY TO BE NOTICED*

V.

**defendant**

**United States Department of Labor**

represented by **Carolyn Ann Almassian**  
U.S. Attorney (Grand Rapids)  
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**intervenor**

**Blue Cross Blue Shield of Michigan Mutual  
Insurance Co.**

represented by **Andrew J. Clopton**

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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/09/2018	<a href="#">1</a>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against United States Department of Labor filed by Varnum LLP (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6) (Phelps, Aaron) (Entered: 10/09/2018)
10/09/2018		FILING FEE PAID re <a href="#">1</a> by plaintiff Varnum LLP in the amount of \$400, receipt number 0646-4258616 (Phelps, Aaron) (Entered: 10/09/2018)
10/11/2018	<a href="#">2</a>	NOTICE that this case has been assigned Janet T. Neff ; with NOTICE OF DEFICIENCY re corporate disclosure statement (ems) (Entered: 10/11/2018)
10/11/2018		SUMMONS NOT ISSUED as to defendant United States Department of Labor ( <i>none provided; please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> ) (ems) (Entered: 10/11/2018)
10/11/2018	<a href="#">3</a>	PROPOSED SUMMONS to be issued re <a href="#">1</a> (Phelps, Aaron) (Entered: 10/11/2018)
10/11/2018	<a href="#">4</a>	CORPORATE DISCLOSURE STATEMENT by Varnum LLP (Phelps, Aaron) (Entered: 10/11/2018)
10/12/2018		SUMMONS NOT ISSUED as to defendant United States Department of Labor ; <i>please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> (pjw) (Entered: 10/12/2018)
10/12/2018	<a href="#">5</a>	PROPOSED SUMMONS to be issued re <a href="#">1</a> (Phelps, Aaron) (Entered: 10/12/2018)
10/15/2018	<a href="#">6</a>	SUMMONS ISSUED as to defendant United States Department of Labor, U.S. Attorney and U.S. Attorney General (ems) (Entered: 10/15/2018)
11/15/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Carolyn Ann Almassian on behalf of defendant United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018)
11/15/2018	<a href="#">7</a>	ANSWER to complaint, <a href="#">1</a> with affirmative defenses by United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018)

11/15/2018	<a href="#">8</a>	ORDER setting Rule 16 scheduling conference: Rule 16 scheduling conference is set for 1/2/2019 at 11:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 12/26/2018; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/15/2018)
11/19/2018	<a href="#">9</a>	UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit 1) (O'Reilly, Arthur) (Entered: 11/19/2018)
11/19/2018	<a href="#">10</a>	BRIEF in support of UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <a href="#">9</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018)
11/19/2018	<a href="#">11</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <a href="#">9</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018)
11/20/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Andrew J. Clopton on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Clopton, Andrew) (Entered: 11/20/2018)
11/20/2018	<a href="#">12</a>	ORDER granting <a href="#">9</a> unopposed motion for intervention; Blue Cross Blue Shield of Michigan Mutual Insurance Company, shall no later than 11/27/2018, file an answer consistent with the proposed answer; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/20/2018)
11/21/2018	<a href="#">13</a>	REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> (Phelps, Aaron) (Entered: 11/21/2018)
11/21/2018	<a href="#">14</a>	ANSWER to complaint, <a href="#">1</a> with affirmative defenses by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/21/2018)
11/21/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of C. Kevin Marshall on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 11/21/2018)
11/26/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Rebecca D'Arcy O'Reilly on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Rebecca) (Entered: 11/26/2018)
11/27/2018	<a href="#">15</a>	RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> <a href="#">13</a> and Defendant United States Department of Labor's Pre-Motion Conference Request and Response to Plaintiff's Pre-Motion Conference Request; filed by United States Department of Labor (Almassian, Carolyn) Modified text on 11/29/2018 (ems). (Entered: 11/27/2018)
11/28/2018	<a href="#">16</a>	RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> <a href="#">13</a> ; filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/28/2018)
12/04/2018	<a href="#">17</a>	ORDER scheduling a pre-motion conference regarding document number <a href="#">13</a> : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018)
12/04/2018	<a href="#">18</a>	ORDER rescheduling Rule 16 conference: Rule 16 scheduling conference rescheduled to 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 1/2/2019; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018)
12/04/2018	<a href="#">19</a>	RESPONSE TO <a href="#">15</a> <i>United States Department of Labor's Pre-Motion Conference Request</i> filed by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 12/04/2018)
12/13/2018	<a href="#">20</a>	REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> (O'Reilly, Arthur) (Entered: 12/13/2018)
12/14/2018	<a href="#">21</a>	RESPONSE TO REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> <a href="#">20</a> and Department of Labor Pre-Motion Conference Request <a href="#">15</a> ; filed by Varnum LLP (Phelps, Aaron) Modified text on 12/14/2018 (ems). (Entered: 12/14/2018)
12/17/2018	<a href="#">22</a>	ORDER scheduling a pre-motion conference regarding document number <a href="#">20</a> : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/17/2018)

01/02/2019	<a href="#">23</a>	JOINT STATUS REPORT (Phelps, Aaron) (Entered: 01/02/2019)
01/09/2019	<a href="#">24</a>	MOTION to stay by defendant United States Department of Labor; (Almassian, Carolyn) (Entered: 01/09/2019)
01/09/2019	<a href="#">25</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <a href="#">24</a> filed by United States Department of Labor (Almassian, Carolyn) (Entered: 01/09/2019)
01/09/2019	<a href="#">26</a>	ORDER granting to an extent <a href="#">24</a> motion to stay; notice cancelling today's proceedings to issue; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
01/09/2019	<a href="#">27</a>	NOTICE cancelling today's Rule 16 scheduling conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
01/09/2019	<a href="#">28</a>	NOTICE cancelling today's pre-motion conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
02/01/2019	<a href="#">29</a>	UNOPPOSED MOTION for order <i>To Lift Stay</i> by defendant United States Department of Labor; (Attachments: # <a href="#">1</a> Proposed Order to Lift Stay) (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019)
02/01/2019	<a href="#">30</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for order <i>To Lift Stay</i> <a href="#">29</a> filed by United States Department of Labor (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019)
02/20/2019	<a href="#">31</a>	ORDER granting <a href="#">29</a> motion to lift stay; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 02/20/2019)
02/20/2019	<a href="#">32</a>	MOTION to stay <i>proceedings</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit A) (Marshall, C.) (Entered: 02/20/2019)
02/20/2019	<a href="#">33</a>	BRIEF in support of MOTION to stay <i>proceedings</i> <a href="#">32</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019)
02/20/2019	<a href="#">34</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <i>proceedings</i> <a href="#">32</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019)
03/01/2019	<a href="#">35</a>	NOTICE re <a href="#">32</a> of <i>Supplemental Authority</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # <a href="#">1</a> Exhibit A) (Marshall, C.) (Entered: 03/01/2019)
03/06/2019	<a href="#">36</a>	RESPONSE TO MOTION to stay <i>proceedings</i> <a href="#">32</a> filed by Varnum LLP (Attachments: # <a href="#">1</a> Exhibit A - Settlement Agreement with BCBSM, # <a href="#">2</a> Exhibit B - Stipulated Protective Order, # <a href="#">3</a> Exhibit C - Trial Exhibits 524-527, # <a href="#">4</a> Exhibit D - Forms 5500, # <a href="#">5</a> Exhibit E - Information re Form 5500 Series, # <a href="#">6</a> Exhibit F - Search, # <a href="#">7</a> Exhibit G - FreeERISA Benefits website) (Phelps, Aaron) (Entered: 03/06/2019)
03/12/2019	<a href="#">37</a>	UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> <a href="#">32</a> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # <a href="#">1</a> Exhibit A (Proposed Reply)) (Marshall, C.) (Entered: 03/12/2019)
03/12/2019	<a href="#">38</a>	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> <a href="#">32</a> <a href="#">37</a> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 03/12/2019)
03/13/2019	<a href="#">39</a>	ORDER denying <a href="#">32</a> motion to stay; granting <a href="#">37</a> motion for leave to file; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 03/13/2019)
03/13/2019	<a href="#">40</a>	REPLY to response to motion <a href="#">32</a> (as filed per Order <a href="#">39</a> ) filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (ems) (Entered: 03/13/2019)
03/14/2019	<a href="#">41</a>	ORDER scheduling a pre-motion conference regarding document numbers <a href="#">13</a> , <a href="#">20</a> : pre-motion conference is set for 4/26/2019 at 01:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 03/14/2019)